

10-01-01

A

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: (EL832926645US)

Date of Deposit: September 27, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Carol M. Gruppi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Lori Jo Lehman et al.

Serial No.: Not Yet Assigned

Filing Date: September 27, 2001

For: NOVEL STRAIN OF STREPTOMYCES
FOR CONTROLLING PLANT
DISEASES

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

UTILITY PATENT APPLICATION & FEE TRANSMITTAL

(for nonprovisional applications under 37 CFR § 1.53(b))

Commissioner for Patents

BOX PATENT APPLICATION

Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified patent application are the following:

I. Elements of the Application

- ☒ Application [1] page(s) of Cover Sheet
[22] page(s) of Specification
[4] page(s) of Claims (39 claims)
[1] page(s) of Abstract
[9] sheets of Drawings [] Formal [X] Informal
- ☒ Declaration and Power of Attorney [3] page(s)
[X] Unexecuted [] Executed [] Copy from prior application (37CFR § 1.63(d))
- ☐ Deletion of Inventors: [] page(s) of signed statement deleting inventor(s) (37CFR § 1.63(d) & 1.33(b))
- ☐ Request and Certification Under 35U.S.C. 122(b)(2)(B)(i)
- ☐ Nucleotide and/or Amino Acid Sequence Submission:
[] page(s) of Sequence Listing (paper copy)
[] disk(s) containing Sequence Listing (computer readable copy)
[] page(s) of Statement Under 37 CFR 1.821(f)
- ☐ Microfiche Computer Program Appendix _____

09/27/01
jc971 U.S. PTO
09/966982

09/27/01 09/966982

jc971 U.S. PTO
09/966982
09/27/01

II. Claim for U.S. Priority

- ☒ This application is a ☐ Continuation ☐ Divisional ☒ Continuation-in-Part of Prior Application No. 09/671,943 filed September 27, 2000. (35 USC §120)
- ☐ This application claims the benefit under 35 U.S.C. §119(e) of United States Application Serial No. 60/_____ filed _____. (Provisional Application)
- ☐ The entire disclosure of the prior application referenced above, is considered as being part of the application filed herewith and is herein incorporated by reference in its entirety.

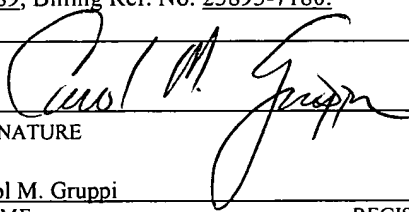
III. Claim for Foreign Priority

- ☐ This application claims the benefit under 35 USC §119 of Prior Application No. _____ filed _____.
- ☐ Certified Copy of Priority Document [] page(s)
- ☐ English Translation of Priority Document [] page(s)

IV. Accompanying Documents

- ☐ Assignment Papers [] page(s) of Recordation Cover Sheet [] page(s) of Assignment
- ☐ Applicant(s) claims Small Entity Under 37 CFR § 1.27 [] Verified Small Entity Statement was previously filed in Prior Application No. _____ on _____, _____.
- ☐ Information Disclosure Statement [] page(s) of PTO-1449 [] copies of IDS References
- ☐ A Preliminary Amendment [] page(s)
- ☐ A copy of a Petition for Extension of Time (___ mos.) filed simultaneously in Prior Application No. _____
- ☐ A copy of a Submission of Processing & Retention Fee (37 CFR § 1.78(a)(1) which is being filed simultaneously in Prior Application No. _____
- ☐ Other _____ (specify)
- ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)

V. Fee Calculation

<input checked="" type="checkbox"/> The following fees are submitted:					CALCULATIONS
		OTHER THAN SMALL ENTITY	SMALL ENTITY	\$	
BASIC NATIONAL FILING FEE		\$ 710.00	\$ 355.00	\$ 710.00	
EXTRA CLAIMS FEE					
CLAIMS	# FILED	# EXTRA	RATE	RATE	
Total Claims	39 - 20 =	19	× \$18.00	× \$ 9.00	
Independent claims	2 - 3 =	0	× \$80.00	× \$40.00	
MULTIPLE DEPENDENT CLAIM(S)					
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		\$270.00	\$135.00	\$	
Fee for recordation of the enclosed assignment (37 CFR 1.21(h), 3.28, 3.31).					
				(Numbers of Applications) × \$40.00	
OTHER FEES _____ (specify)				\$	
OTHER FEES _____ (specify)				\$	
TOTAL FEES =				\$1,052.00	
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge Deposit Account No.: <u>50-1189</u>, Billing Ref. No. <u>23893-7180</u>, in the amount of <u>\$1,052.00</u> to cover the above fees. <i>A duplicate copy of this sheet is enclosed.</i></p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1189</u>, Billing Ref. No. <u>23893-7180</u>. <i>A duplicate copy of this sheet is enclosed</i></p>					
SEND ALL CORRESPONDENCE TO:					
Antoinette F. Konski McCutchen, Doyle, Brown & Enersen, LLP Three Embarcadero Center, 18th Floor San Francisco, CA 94111 Telephone: (650) 849-4950 Facsimile: (415) 849-4800		SIGNATURE _____ DATE <u>September 27, 2001</u> NAME <u>Carol M. Gruppi</u> REGISTRATION NUMBER <u>37,341</u> Antoinette F. Konski 34,202			